

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on November 5, 2010. No fees are due with this Amendment. The Director is authorized to charge any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00598 on the account statement.

Claims 1-13 are pending in this application. Claims 1-9, 12 and 13 were previously withdrawn from consideration. In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §112 and under 35 U.S.C. §103. In response, Claims 10 and 11 have been amended. The amendments do not add new matter and are supported in the specification at, for example, page 7, lines 13-15. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be reconsidered and withdrawn.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Patent Office states that the term “about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract” does not appear to be specifically disclosed anywhere in the specification. See, Office Action, page 3, lines 4-8. Applicants respectfully disagree.

The specification at page 6, line 20-page 7, line 7 expressly recites potential antioxidants that may be included in the present compositions, as well as specific amounts of antioxidants that may be included in the present compositions. Specifically, the specification at page 6, line 20-page 7, line 7, recites cysteine, vitamin C, vitamin E and grape seed extract as potential antioxidants to be included in the present compositions and states that the antioxidants may be provided in amounts of about 0.025 mg to about 250 mg per kg body weight per day. Further, Example 1 explicitly recites a composition containing cysteine, vitamin C, vitamin E and grape seed extract in one composition.

For at least the reasons set forth above, Applicants respectfully submit that the present claims are fully supported by the specification.

Accordingly, Applicants respectfully request that the written description rejection of Claims 10-11 be reconsidered and withdrawn.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0008048 to Winston et al. ("Winston") in view of U.S. Patent No. 5,846,961 to Van Dyke ("Van Dyke"). Applicants respectfully submit that the cited references are deficient with respect to the present claims.

Currently amended independent Claims 10 and 11 recite, in part, methods comprising administering a composition having about 1 mg to about 1 g per kg of body weight per day of L-carnitine that stimulates energy metabolism of the cell and about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract so as to stimulate production and deposition in skin of glycosaminoglycans, in an orally acceptable carrier, wherein the composition is in an orally administrable form selected from the group consisting of tablets, pastes, pastilles, gums, drinkable solutions, drinkable emulsions, and combinations thereof. The amendments do not add new matter and are supported in the specification at, for example, page 7, lines 13-15. Applicants have surprisingly found that antioxidants and nutrients which stimulate energy metabolism can improve skin quality by stimulating the production of glycosaminoglycans. Thus, administering the claimed composition can prevent or delay alterations which occur during skin aging. See, specification, Abstract. In contrast, Applicants respectfully submit that the cited references fail to disclose or suggest each and every element of the present claims.

For example, *Winston* and *Van Dyke* fail to disclose or suggest methods comprising administering a composition having about 1 mg to about 1 g per kg of body weight per day of L-carnitine that stimulates energy metabolism of the cell and about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract so as to stimulate production and deposition in skin of glycosaminoglycans, in an orally acceptable carrier, wherein the composition is in an orally administrable form selected from the group consisting of tablets, pastes, pastilles, gums, drinkable solutions, drinkable emulsions, and combinations thereof as required, in part, by the present claims. Instead, *Winston* is entirely directed to dietary nutritional supplements for helping the body resist the effects of the aging process. See, *Winston*, Abstract. The compositions of *Winston* are, however, two-part compositions having a lipid-soluble portion in a soft gel cap form and a water-soluble portion in a hard shell capsule. See, *Winston*, Abstract. As such, *Winston* fails to disclose or suggest

administering “a” composition, let alone the presently claimed compositions having the L-carnitine and antioxidants all in one composition. The Patent Office even admits that *Winston* fails to disclose or suggest the presently claimed compositions having the L-carnitine and antioxidants all in one composition. See, Office Action, page 4, lines 12-13.

Van Dyke is entirely directed to methods for repressing reproduction of latent viruses, such as HIV, in animals. See, *Van Dyke*, Abstract. At no place in the disclosure does *Van Dyke* disclose or even suggest the presently claimed compositions including the L-carnitine and antioxidants in one composition. As such, the cited references fail to disclose or suggest each and every element of the present claims.

Further, Applicants also respectfully submit that the skilled artisan would have no reason to combine the cited references to arrive at the present claims because the cited references are directed to completely different compositions that are administered for completely different purposes. Additionally, the references are not analogous art. For example, as discussed above, *Winston* is entirely directed to dietary nutritional supplements for helping the body resist the effects of the aging process. See, *Winston*, Abstract. The compositions of *Winston* are, however, two-part compositions having a lipid-soluble portion in a soft gel cap form and a water-soluble portion in a hard shell capsule. See, *Winston*, Abstract. In contrast, *Van Dyke* is entirely directed to methods for repressing reproduction of latent viruses, such as HIV, in animals. See, *Van Dyke*, Abstract. Applicants respectfully submit that the skilled person in the art of nutritional compositions with respect to aging processes would have no reason to look to a references in the field of HIV reproduction repression in order to arrive at the present claims. Indeed, it would be unduly burdensome to require the person of skill in the art of aging processes to also be apprised of the field of art related to HIV treatment.

Moreover, Applicants respectfully submit that, even if the Patent Office establishes a *prima facie* case of obviousness, which Applicants respectfully submit is not the case, Applicants have rebutted the *prima facie* case of obviousness by demonstrated unexpected and surprising results. For example, Example 1 of the specification clearly demonstrates that diet C, which comprises the contents of control diet A in combination with L-carnitine, vitamin C, vitamin E, grape seed extract and cysteine provides for stimulated glycosaminoglycan content in skin when compared to control diet A. Accordingly, it is clear that the specific combination of i) a

molecule the stimulates energy metabolism of a cell and ii) antioxidants of the present claims results in a synergistic effect that is not disclosed or suggested by the prior art. Thus, even if the Patent Office had made out a *prima facie* case of obviousness, Applicants have overcome same with experimental data demonstrating surprising results.

For at least the reasons set forth above, Applicants submit that the Patent Office has even failed to make out a case of *prima facie* obviousness as the cited references fail to disclose or suggest every element of the presently amended claims, and the skilled artisan would have no reason to combine the cited references to arrive at the present claims.

Accordingly, Applicants respectfully request that the obviousness rejection of Claims 10 and 11 be reconsidered and withdrawn.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 2002/071874 to Malnoe et al. ("Malnoe"). Applicants respectfully submit that *Malnoe* is deficient with respect to the present claims.

Currently amended independent Claims 10 and 11 recite, in part, methods comprising administering a composition having about 1 mg to about 1 g per kg of body weight per day of L-carnitine that stimulates energy metabolism of the cell and about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract so as to stimulate production and deposition in skin of glycosaminoglycans, in an orally acceptable carrier, wherein the composition is in an orally administrable form selected from the group consisting of tablets, pastes, pastilles, gums, drinkable solutions, drinkable emulsions, and combinations thereof. The amendments do not add new matter and are supported in the specification at, for example, page 7, lines 13-15. Applicants have surprisingly found that antioxidants and nutrients which stimulate energy metabolism can improve skin quality by stimulating the production of glycosaminoglycans. Thus, administering the claimed composition can prevent or delay alterations which occur during skin aging. See, specification, Abstract. In contrast, Applicants respectfully submit that *Malnoe* fails to disclose or suggest each and every element of the present claims.

For example, *Malnoe* fails to disclose or suggest methods comprising administering a composition having about 1 mg to about 1 g per kg of body weight per day of L-carnitine that stimulates energy metabolism of the cell and about 0.025 mg to about 250 mg per kg body

weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract so as to stimulate production and deposition in skin of glycosaminoglycans, in an orally acceptable carrier, wherein the composition is in an orally administrable form selected from the group consisting of tablets, pastes, pastilles, gums, drinkable solutions, drinkable emulsions, and combinations thereof as required, in part, by the present claims. Instead, *Malnoe* is entirely directed to food compositions intended to prevent or restore age-related functional deficits in mammals, which includes a composition able to mimic the effects of caloric restriction on gene expression. See, *Malnoe*, Abstract. *Malnoe* fails to disclose or suggest at any place in the disclosure the presently claimed methods of administering a composition that is in a form selected from the group consisting of tablets, pastes, pastilles, gums, drinkable solutions, drinkable emulsions, and combinations thereof.

Moreover, Applicants respectfully submit that, even if the Patent Office establishes a *prima facie* case of obviousness, which Applicants respectfully submit is not the case, Applicants have rebutted the *prima facie* case of obviousness by demonstrated unexpected and surprising results. For example, Example 1 of the specification clearly demonstrates that diet C, which comprises the contents of control diet A in combination with L-carnitine, vitamin C, vitamin E, grape seed extract and cysteine provides for stimulated glycosaminoglycan content in skin when compared to control diet A. Accordingly, it is clear that the specific combination of i) a molecule that stimulates energy metabolism of a cell and ii) antioxidants of the present claims results in a synergistic effect that is not disclosed or suggested by the prior art. Thus, even if the Patent Office had made out a *prima facie* case of obviousness, Applicants have overcome same with experimental data demonstrating surprising results.

For at least the reasons set forth above, Applicants submit that the Patent Office has even failed to make out a case of *prima facie* obviousness as *Malnoe* fails to disclose or suggest every element of the presently amended claims.

Accordingly, Applicants respectfully request that the obviousness rejection of Claims 10 and 11 be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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